

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiffs,

ELIZABETH ONTANEDA, FRANCINE PENNISI, and
FAITH PABON,

Plaintiff Intervenor,

14-CV-3673 (KAM) (JO)

v.

UNITED HEALTH PROGRAMS OF AMERICA, INC.,
and COST CONTAINMENT GROUP, INC.,

Defendants.

**JOINT STIPULATION RELATED TO THE STATEMENT TO BE READ TO THE
JURY DURING VOIR DIRE REGARDING THE COURT’S RULING WITH RESPECT
TO WHAT THE COURT RULED RELIGIOUS IN THIS CASE**

Plaintiff the U.S. Equal Employment Opportunity Commission (“EEOC”) and Plaintiff-Intervenors Elizabeth Ontaneda, Francine Pennisi, and Faith Pabon (collectively, “Plaintiffs”), together with Defendants United Health Programs of America, Inc. and Cost Containment Group, Inc. (“Defendants,” and together with Plaintiffs, “the Parties”) stipulate as follows:

The focus of Plaintiffs’ religious discrimination and hostile work environment claims are certain practices that Plaintiffs contend Defendants introduced into the workplace between 2007

and 2012. For the purposes of this trial, I have already determined that the following practices alleged are religious:

- Texts, beliefs, concepts and practices concerning Onionhead and Harnessing Happiness, including meetings, workshops, prayers, Onionhead pins, and Onionhead documents such as “Declaration of Virtues for Empowerment”, “Onionhead Keys and Codes to Living Good”, “Onionhead Dictionary of 150 Emotions: Teen and Adult Edition”, and “The 13 Codes of Caring of Teens and Adults”);
- Statements by Chief Executive Officer Robert Hodes or by Denali Jordan telling employees they were “chosen”;
- Statements by Denali Jordan that “God loves us all”;
- Statements by Denali Jordan regarding demons or angels;
- Hugging, kissing, hand-holding, or expressing love related to work;
- Orders to refrain from using overhead lights “in order to prevent demons from entering the workplace through the lights”;
- Universal Truth Cards;
- The use of candles to cleanse the workplace;
- Chanting in the workplace;
- Praying in the workplace;
- The use of pins and candles; and
- Emails referencing God, spirituality, demons, Satan, divine destinies, the “Source”, purity, blessings, miracles, “higher-guidance teachings,” and a grail.

Over the course of this trial, you will hear these practices referred to by counsel and witnesses. A witness or counsel may refer to some of these activities generally as “Onionhead” or “Harnessing Happiness”, or at times nothing at all. And while these things may not resemble what you think of as a traditional religion, I have already determined that they meet the definition of a religion for the laws at issue in this case. Therefore, you must consider these practices to be religious for purposes of this action. I have not, however, determined whether these practices actually happened or whether, if they did happen, they created a hostile working environment for anyone. That will be your job.

Over the course of this trial, you may hear testimony about additional alleged activities that I have not just listed. For anything not specifically listed above, you, as the jury, can decide whether these activities are religious.

Dated: New York, New York
April 1, 2018

Respectfully Submitted,

FOR EEOC:

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CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2018, the foregoing document was filed with the Clerk of the Court and served on all counsel of record via ECF in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Eastern District of New York.

Dated: New York, New York
April 1, 2018

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